IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

**O R D E R**

Praveen Kumar. Versus Smt. Shaubhagyavati & Anr.

S.B. Criminal Misc. Petition No. 281/2003
against the order dated 20-7-2002 passed
by the Judicial Magistrate, Marwar Junction,
district Pali, in Criminal Misc. Case No.175/94.

...

Date of Order: October 04, 2006

**PRESENT**

**HON'BLE MR. JUSTICE H.R. PANWAR, J.**

Mr. Anil Vyas, for the petitioner.
Mr. Narpat Singh Charan, for non-petitioners.

**BY THE COURT:**

By the instant criminal miscellaneous petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, "the Code" hereinafter), the petitioner has assailed the order dated 20-7-2002 passed by the Judicial Magistrate, Marwar Junction, district Pali (for short, "the trial Court" hereinafter) in Criminal Misc. Case No. 175/94, whereby the trial Court granted maintenance @ Rs.300/- per month in favour of non-petitioner No. 2 Miss Dipika, the daughter of the petitioner, from the date of application.

The only point raised by the learned counsel for the petitioner is that the trial Court has fell in error in allowing the

maintenance in favour of non-petitioner No.2 Miss Dipika from the date of the application. According to the learned counsel, the maintenance can be allowed from the date of the order.

The contention raised by the learned counsel for the petitioner cannot be accepted in view of a Division Bench decision of this Court in Smt. Savita Sharma Vs. Shri Krishan Murari, 1990 (1) RLR 400, wherein it has been held that the maintenance should be allowed from the date of the application.

The criminal miscellaneous petition is, therefore, dismissed. The stay petition also stands dismissed.

(H.R. PANWAR), J.

mcs